

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

I make this declaration under 37 CFR § 1.47(a) on behalf of myself and Rohit D'Souza, who has refused to sign this declaration,

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor, along with the said Rohit D'Souza, of the subject matter which is claimed and for which a patent is sought, on the invention entitled **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING**, the specification of which

☒ is attached hereto.

☐ was filed on _____
Application Serial No. _____
and was amended on _____

hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

| _____ | _____ | _____ | [] | [] |
|----------|-----------|------------------|-----|-----|
| (Number) | (Country) | (Day/Month/Year) | Yes | No |

Prior Foreign Application(s)

Priority Claimed

| _____ | _____ | _____ | [] | [] |
|----------|-----------|------------------|-----|-----|
| (Number) | (Country) | (Day/Month/Year) | Yes | No |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

60/176,627
(Application Serial No.)

January 19, 2000
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(Application Serial No.)

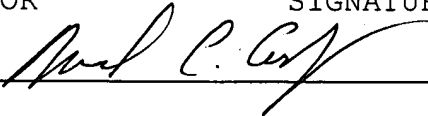
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or we hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to ROTHWELL, FIGG, ERNST & MANBECK, p.c., Suite 701-E, 555 13th Street, N.W., Washington, D.C. 20004:

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Thomas E. McKiernan, Reg. No. 37,889
Jason M. Shapiro, Reg. No. 35,354
Michael J. Moran, Reg. No. 42,013

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | | |
|---|--|-----------------|
| FIRST NAMED INVENTOR DAVID C. CUSHING | SIGNATURE  | DATE 10/9/00 |
| RESIDENCE Lexington, Massachusetts | CITIZENSHIP U.S.A. | |
| POST OFFICE ADDRESS 4 Jonas Stone Circle, Lexington, MA 02420 | | |
| SECOND NAMED INVENTOR M. MITCH BULAJIC | SIGNATURE | DATE |
| RESIDENCE New York, New York | CITIZENSHIP U.S.A. | |
| POST OFFICE ADDRESS 555 Main Street, #1901, New York, N.Y. 10044 | | |
| THIRD NAMED INVENTOR ROHIT D'SOUZA | SIGNATURE | DATE |
| RESIDENCE | CITIZENSHIP | |
| POST OFFICE ADDRESS | | |
| FOURTH NAMED INVENTOR KENNETH KRAMER | SIGNATURE | DATE |
| RESIDENCE White Plains, New York | CITIZENSHIP U.S.A. | |
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| (Number) | (Country) | (Day/Month/Year) | Yes | No |
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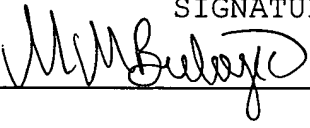
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60/176,627
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| POST OFFICE ADDRESS | | |
| FOURTH NAMED INVENTOR KENNETH KRAMER | SIGNATURE <i>Kenneth Kramer</i> | DATE <i>9/6/00</i> |
| RESIDENCE <u>White Plains, New York</u> | | CITIZENSHIP <u>U.S.A.</u> |
| POST OFFICE ADDRESS 4 Martine Avenue, Apt. 515, White Plains, N.Y. 10606 | | |

Applicant or Patentee: David C. Cushing et al.
Serial or Patent No.: _____ Attorney's Docket No. 2566-106
Filed or Issued: herewith
For: **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING**

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Investment Technology Group, Inc.
ADDRESS OF CONCERN 380 Madison Avenue, New York, NY 10017

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **SYSTEM AND METHOD FOR EXECUTING STRATEGY SECURITY TRADING** by inventor(s) David C. Cushing described in

- ☒ the specification filed herewith
- ☐ application serial no. _____, filed _____
- ☐ patent no. _____, issued _____

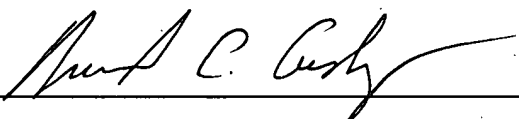
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any application issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David C. Cushing
TITLE OF PERSON OTHER THAN OWNER VP
ADDRESS OF PERSON SIGNING 380 Madison Avenue, NY, NY

SIGNATURE  Date 10/9/00